

Children's Social Care Representations & Complaints

Social care complaints and representations – how we will put things right

together for
children
SUNDERLAND

Introducing our procedure

Together for Children (TfC) is committed to providing high quality services to all children, young people and families in Sunderland and working in an open and accountable way that builds the trust and respect of all our customers. One of the ways in which we can continue to improve our services is by listening to the views of our children, young people and families and by responding positively to representations and complaints, and by putting any mistakes right.

Our principles when responding to complaints:

- We will deal with complaints impartially, objectively, and professionally and all concerns will be taken seriously.
- We will make sure that as many complaints as possible are resolved swiftly and satisfactorily at the earliest stage of the process and we will ensure adequate support for everyone involved in the complaint.
- We will keep customers informed about the progress of their complaint and will provide a full response without delay.
- The identity of the person making a complaint will be managed in line with data protection legislation and only shared when it is necessary to do so to enable the investigation of the complaint.
- We will secure sensible and effective links with other procedures in local government to ensure the effective resolution of complaints.
- We will safeguard the child or young person's rights of access to other means of redress, such as the Local Government Ombudsman.
- We will monitor our performance in handling complaints, and we will learn from our mistakes to improve services for everyone who uses them.

Statutory guidance

Our Social Care Complaints Procedure is followed in line with the Department for Education and Skills statutory guidance '[Getting the Best from Complaints: Social Care Complaints and Representations for Children, Young People and Others](#)' which provides guidance for local authority children's services on representations and complaints procedures.

What are representations?

Representations may not always be complaints; they could also be positive remarks or ideas e.g. enquiries or comments about the availability, delivery or nature of a service can be representations. Children and young people can put forward ideas or proposals about the service they receive, or the establishment they live in, without having this framed as a complaint, and TfC will record and respond accordingly.

What is a complaint?

In line with statutory guidance, we consider a complaint to be 'an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response'. Children and young people often express complaints as 'problems not being sorted out'. Complaints of a general nature which are not concerned with an individual case are likely to fall outside the statutory definition, as are anonymous complaints. TfC has a separate procedure for complaints that fall outside of the statutory definition.

What can be complained about?

A statutory complaint may arise because of many things relating to Children's Social Care services and functions including:

- An unwelcome or disputed decision
- Concern about the quality or appropriateness of a service
- Delay in decision making or provision of services
- Delivery or non-delivery of services including complaints procedures
- Quantity, frequency, change or cost of a service
- Attitude or behaviour of staff
- Application of eligibility and assessment criteria
- The impact on a child or young person of the application of a local authority policy
- Assessment, care management and review

The above is not an exhaustive list. Some functions relating to care and supervision orders, adoption services and special guardian support services may also be subject to a complaint.

What is not a complaint?

This procedure does not apply when:

- The person wishing to complain does not meet the requirements of "who can make a complaint" (see below) and is not acting on behalf of such an individual.
- The complaint is not concerning the actions or decisions of TfC, or of a body acting on its behalf.
- The same complaint has already been dealt with at all stages of the procedure.
- When the consideration of a complaint would prejudice concurrent investigations such as court proceedings, tribunals, disciplinary proceedings, or criminal proceedings (*once a concurrent investigation concludes, the complainant may resubmit their complaint providing it is within one year of the conclusion of the concurrent investigation*).

Who can make a complaint?

We will consider complaints from:

- Any child or young person (*or a parent/someone who has parental responsibility*) who is being cared for by Sunderland Local Authority (TfC) or is not cared for by Sunderland Local Authority but is in need.
- Any TfC foster carer (including those caring for children placed through independent fostering agencies).
- Children leaving care.
- Special Guardians.
- A child or young person (*or parent of the child/young person*) to whom a Special Guardian order is in force.
- Any person who has applied for an assessment for special guardianship support services.
- Any child or young person who may be adopted, their parents and guardians.
- Persons wishing to adopt a child.
- Any other person whom arrangements for the provision of adoption services extend.
- Adopted persons, their parents, natural parents, and former guardians.
- Such other person who has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is received from a representative acting on behalf of a child or young person, the Customer Feedback Service will confirm where possible that the child or young person is happy for this to happen and that the complaint reflects their views.

Where a complaint is received by adults that relate to a child or young person but is not made on their behalf, the Customer Feedback Service will decide whether or not an individual has sufficient interest in the child's welfare to justify the complaint being considered by them. The Customer Feedback Service may check with the child or young person that they are happy with the person making the complaint.

Anonymous complaints fall outside of the scope of this procedure but will be referred to the Customer Feedback Manager to consider what action will be taken and if the matter will be pursued through other procedures as relevant.

Timescale for making a complaint

There is a 12-month timescale for making a complaint. This is to assist Together for Children in dealing with current complaints rather than historic matters. Complaints received after 12 months of the matter arising will be considered on a case by case basis by the Customer Feedback Manager where there are possible grounds (in line with statutory guidance) for accepting the complaint after one year.

How to make a representation or complaint

There are lots of ways that children, young people and adults can contact us:

- Children and Young People can use Mind of My Own application or speak to their allocated social worker, advocate, or Independent Reviewing Officer (IRO)
- Ring the Customer Feedback Team on **0191 561 7997**
- Email the team at customer.feedback@togetherforchildren.org.uk
- Visit www.togetherforchildren.org.uk where a complaint can be logged via the 'get in touch' form
- Write to the Customer Feedback Manager at:
Together for Children, City Hall, Plater Way, Sunderland, SR1 3AA

Advocacy and support

While making a complaint, TfC will support children and young people by actively providing information and advice and offering advocacy services. The Customer Feedback Manager will ensure that a suitable person meets with the child or young person to discuss the complaints process and ensure any questions or concerns are fully responded to. Although there is no requirement on Together for Children to provide an advocacy service in respect of adults under this procedure, we will consider how to meet the varying needs of adults particularly in relation to those whose first language is not English and those with communication difficulties.

Resolving complaints and addressing representations

Initial Contact

When a representation or complaint is received, the Customer Feedback Service will acknowledge within 24 hours and record all the details. The Customer Feedback Team will make every attempt to resolve any identified issues immediately without needing to engage the complaints procedure but where this is not possible, the Customer Feedback Manager will decide if the issues require further investigation via the statutory complaint stages.

(A flowchart of the process can be found in Appendix A)

Complaint Stages

There are three stages in the complaint's procedure: Stage 1 – local resolution, Stage 2 – Investigation and Stage 3 – Review Panel. In most circumstances, complaints will be considered at Stage 1 in the first instance. Where a complaint is accepted at Stage 1, we will ensure that that the complaint proceeds through the relevant stages if that is the wish of the person making the complaint (our customer).

We will always strive to act expeditiously through the complaints procedure to ensure that the complaint is dealt with as swiftly as possible. Where appropriate and with agreement from the customer, we may arrange for conciliation, mediation, or other services to help resolve matters.

Stage 1 – Local Resolution

At Stage 1, the complaint will be looked at by an Officer within the Customer Feedback Team, the Independent Reviewing Officer (where appropriate) and the Manager that has responsibility for the service that is being complained about. The Officer will contact the customer to

discuss their concerns in more detail and will consider the information, processes and thinking behind decisions that have been made to help agree a way forward.

We will always aim to conclude Stage 1 complaints within 10 working days. If the complaint is complicated it may take longer than 10 working days to provide a response. We may therefore extend the timescale by a further 10 working days, but we will keep the customer updated about the timescale that we are working to. An extension or suspension may also be required if an advocate is to be appointed or if a key person is off sick or on leave.

If the matter is resolved, the Customer Feedback Officer will write to customer confirming the agreed resolution. Otherwise the Officer will write and offer a meeting setting out their findings. Where the matter is not resolved at this stage of the process the customer has the right to request consideration of the complaint at stage 2 and are asked to request this within 20 working days so that momentum in resolving the complaint is not lost.

Stage 2 - Investigation

A stage 2 investigation will usually commence when the customer is either:

- unhappy with their complaint response or the outcome at stage 1
- dissatisfied with the way the complaint was handled
- did not receive a response within the set timescale provided

At Stage 2, the Customer Feedback Team will arrange for a full and considered investigation of the complaint to take place without delay. To do this we will ensure that the details of the complaint and the customers desired outcomes are recorded in writing and agreed with the customer. The timescale for the investigation will then begin.

The Customer Feedback Manager will appoint an Investigating Officer who will lead the investigation and prepare a written report. An Independent Person (IP) will also be appointed to the investigation who will be involved in all aspects of consideration of the complaint.

The investigation should be completed, and the response sent to the customer within 25 working days. However, this may be impractical in some cases e.g. where the complaint is more complex, involves several agencies, or where key witnesses are unavailable during the timeframe. Where

it is not possible to complete the investigation within 25 working days, the timescale can be extended to 65 working days. We will always ensure that customers are kept updated about the timescale that we are working to.

Once the investigation is complete, the Investigation Officer will prepare a report that will include details of their findings, conclusions, outcomes, and recommendations. The Independent Person will also provide a report and may comment on whether the investigation has been conducted effectively and in an impartial manner, whether the IO report is an accurate picture of the investigation and the nature of the recommendations.

A senior manager will act as an 'Adjudicating Officer'. The Adjudicating Officer will consider the IO and IP reports and will provide a response, describing their decision on each point of compliant and identifying any actions that will be taken. As part of the adjudication process, the Adjudication Officer may wish to meet the customer to explain the outcome of the complaint and any actions that will be taken. The Customer Feedback Team will then write to the customer providing a copy of the reports and the adjudication. If the customer remains dissatisfied, they will have 20 working days to request further consideration of their complaint by a Review Panel.

Stage 3 – Review Panel

The Customer Feedback Manager will assess requests for a Review Panel in line with statutory guidance. If accepted, the Customer Feedback Manager will appoint a Panel Chair ideally within 10 working days of the customer's request to proceed to stage 3. Two further independent people will also be appointed to sit on the Panel. The Panel will be held within 30 working days of receipt of the request.

The Review Panel will not reinvestigate the complaints, nor will it be able to consider any new complaints that have not first been considered at stage 2. The purpose of the panel is to consider the complaint and wherever possible work towards a resolution. The Review Panel will:

- Listen to all parties
- Consider the adequacy of the stage 2 investigation
- Obtain any further information and advice that may help resolve the complaint
- Reach findings on each of the complaint being reviewed
- Make recommendations that provide practical remedies
- Recommend any service improvements for action

The Customer Feedback Manager, administrative support, IP, and IO will be invited to attend the Panel with the appointed Chair and independent people. The Adjudicating Officer will also attend if they have rejected any of the Investigating Officers findings at stage 2, otherwise another Senior Manager may attend on their behalf. The Chair will make the final decision on all attendees.

The Panel will be structured around the agreed points of complaint and the customers desired outcomes. Each party will then be asked to make their presentations, starting with the customer. The Panellists will have sufficient opportunity to ask questions and seek clarification on the issues being discussed so they are able to make recommendations. All attendees can ask questions and raise points as relevant to the complaint.

Following the Panel, the Panellists will meet to deliberate on their findings and conclusions. The panel will produce a written report containing a summary of their findings and recommendations for resolution. This report will be sent to the customer, Director of Children's Services, and IP within 5 working days of the Panel meeting. Following receipt of the report, the Director of Children's Services will send a response to the customer within 15 days. The response will set out how Children's Services will respond to the recommendations and what action will be taken.

The Local Government and Social Care Ombudsman (LGO)

If, at the end of the process the customer remains dissatisfied, they will be advised of their right to refer the matter to the Local Government Ombudsman. Customers can complain to the Ombudsman at any time; however, the Ombudsman will usually only consider a complaint after it has been through all stages of or procedure first. The Customer Feedback Team will work with Sunderland City Council's LGO Link Officer to respond to LGO enquiries at any point during our complaints processes.

Early Referral to LGO

There are some circumstances in which the Customer Feedback Manager may feel that further consideration by a Review Panel at stage 3 will not produce a demonstrably different outcome from the stage 2 investigation. In such circumstances, the Customer Feedback Manager will discuss with the customer the possibility of referring the complaint to the LGO. The option can only be considered once the stage 2 has been concluded, with all significant complaints upheld and with agreement by TfC to meet the customer's desired outcomes. Where this is the case the Customer Feedback Manager will approach the LGO without first going through a stage 3 Review Panel.

Problem Solving and Resolution

Solving problems that could potentially lead to complaints is a priority for the Customer Feedback Team. Where an unresolved problem becomes a complaint, the team will continue to seek a resolution to resolve the dissatisfaction throughout all stages of the process. We will always try to find a resolution that is in the best of interest of the child concerned. Examples that do not require a full investigation include an apology or

explanation, conciliation and mediation, reassessment of child's needs, practical actions, a review of practice or assurance that TfC will monitor the effectiveness of its remedy.

Where justification is found for a complaint, consideration will be given to a remedy in line with statutory guidance. An apology and/or explanation will always be needed where any part of the complaint is upheld. Remedies will be considered that are appropriate and proportionate to the injustice and where agreement has been reached with the appropriate Senior Manager.

Withdrawing a Complaint

A customer may withdraw their complaint verbally or in writing at any time. We will write to the customer to confirm withdrawal of the complaint. The relevant service will consider whether the issue of concern requires further consideration under appropriate internal management review systems.

Deferring Decisions

There are circumstances where the Customer Feedback Manager may need to consider freezing or deferring a decision in liaison with the manager responsible for the service e.g. if the complaint is about a proposed change to a care plan, a placement or a service the decision may need to be deferred (frozen) until the complaint is considered. Decisions to defer will be made on a case by case basis through detailed discussions and assessment of risk.

Learning from Complaints

Listening to feedback about our services can identify potential problems and provides us with an opportunity to put things right. We are determined to learn from complaints and make any changes that will prevent a recurrence. The Customer Feedback Team highlights trends and themes to our Leadership Team and Service Managers on a regular basis for discussion and further dissemination to our operational teams. We share learning from complaints to line managers together with measures of performance, feedback on communication with customers and information that will contribute to practice development, commissioning, and service improvement.

The Customer Feedback Team present an annual and 6-monthly customer feedback report to the Together for Children Board, Senior Leadership Team and appropriate Scrutiny Committee. The report includes details of the activities of the Customer Feedback Team, any changes to the statutory procedures and a review of the operation and effectiveness of the complaint's procedure.

Relationships with Other Procedures

The Customer Feedback Manager will consider how other procedures could have a bearing on a complaint. These might include:

- child protection procedures.
- court proceedings;
- grievance procedures; and
- disciplinary procedures.

The manager will separate out complaints appropriate to other procedures and those that may require joint action. In considering a complaint which is subject to a concurrent investigation under one of these procedures, the manager will consider if the complaint may compromise or prejudice the other investigation (in line with statutory guidance).

Records Management, Data Protection and Confidentiality

We monitor complaints arrangements by keeping a record of each representation or complaint received, the outcome of each complaint, any actions to be taken and compliance with timescales. All areas of this procedure adhere to the requirements of the Data Protection Act 1998, and the Freedom of Information Act, 2000. We will always ensure that personal information obtained in relation to a complaint is only used for that purpose and we retain records in line with guidance issued by the Public Record Office.

Support for staff

We recognise that staff may need support to help them co-operate with this procedure and to work positively with the complainant. Staff who are named in complaints, or whose evidence might be required as part of an investigation, should receive support through the line management structure. Anyone interviewed as part of a complaint's investigation may wish to have a support person with them.

Unreasonably Persistent Customers/Complainants

We are committed to dealing with all complaints fairly and impartially and to provide a high-quality service to those who make them. However, there may be occasions when contact from a customer becomes too frequent, so that it hinders our consideration of their complaints, or those made by other people.

Persistent Customers/Complainants

Features of a persistent complainant may include:

- A person who makes the same complaint repeatedly (with minor differences), but never accepts the outcomes.
- A person who seeks an unrealistic outcome.
- A person with a history of making other unreasonably persistent complaints.

Unreasonably Persistent Complaints

An unreasonably persistent complaint is likely to include some or all the following:

- An historic and irreversible decision or incident.
- Frequent, lengthy, complicated, and stressful contact with staff.
- The complainant behaving in an aggressive manner to staff or being verbally abusive or threatening.
- The complainant changing aspects of the complaint partway through the investigation or Review Panel.
- The complainant making and breaking contact with TfC on an ongoing basis.
- The complainant persistently approaching TfC through different routes about the same issue in the hope of getting different responses.

Action in Response

Where the Customer Feedback Manager decides to treat someone as an unreasonably persistent complainant, we will write to tell the customer:

- Why we believe the behaviour falls into this category
- What action Together for Children will be taking.

- The duration of that action, how, and when it will be reviewed.

Where a customer's complaint is closed and they persist in communicating about it, the Customer Feedback Manager may decide to terminate contact with the customer.

Unacceptable Behaviour

Together for Children does not expect its staff to tolerate behaviour by complainants which is unacceptable, abusive, offensive, or threatening, and will take action to protect staff from such behaviour. When we consider that a customer's behaviour is unacceptable, we will tell the customer why we find their behaviour unreasonable and ask them to change it. If the unacceptable behaviour continues, we may take action to restrict the customer's contact with our service. In all cases, we will write to tell the customer what action we are taking and the duration of that action.

Restricting Access

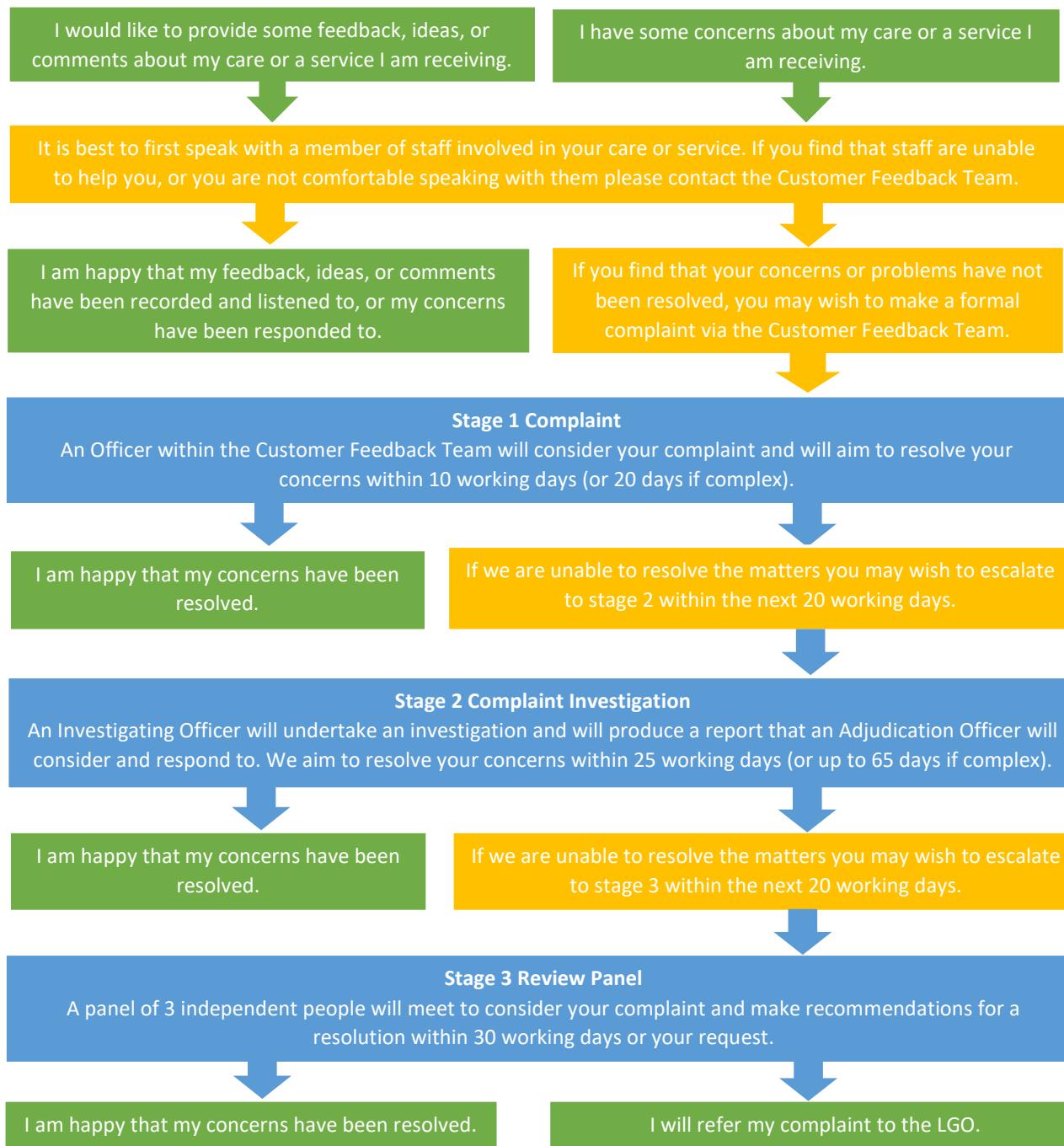
The decision to restrict access to the complaint's procedure or access to our service will be taken by the Customer Feedback Manager and should follow a warning to the complainant. The options that the Customer Feedback Manager is most likely to consider are:

- Requesting contact in a particular form (for example, letters only).
- Requiring contact to take place with a named officer.
- Restricting telephone calls to specified days and times.
- Asking the customer to enter into an agreement about his future contact with TfC.
- Informing the customer that if they still do not cooperate with the advice given, any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged but will be kept on file.

Where a customer continues to behave in a way which is unacceptable, TfC may decide to terminate contact with the customer and discontinue any investigation into the complaint. Where behaviour is so extreme that it threatens the immediate safety and welfare of staff, TfC will consider other options, for example reporting the matter to the Police or taking legal action. In such cases TfC may not give prior warning to the customer.

Appendix A:

Customer Feedback Flowchart



We can provide an advocate to children and young people who may need help and support with raising their concerns



0191 561 7997



customer.feedback@togetherforchildren.org.uk



www.togetherforchildren.org.uk



Ask a member of staff to contact us such as your social worker, IRO or support worker



Write to: Customer Feedback Team, Together for Children, City Hall, Plater Way, Sunderland, SR1 3AA



Mind of My App (Children & Young People)